

Mr. CHAMBERS desired to say one word, in order that he might not be misunderstood. The present proposition was likely to be troublesome. He differed in opinion with the gentleman from Baltimore. Buchnel was imprisoned because he rendered a verdict contrary to the law as laid down by the judge. He stated that the practice of the courts now was introduced partly for the purpose of preventing the frequent altercations which formerly took place between the counsel and the court. He set forth the changes which had taken place in the manner of conducting criminal cases, and the contradictory opinions which had been entertained of the effect of these changes. He felt no particular earnestness about the amendment, but he thought it was likely to lead to difficulty, without a probability of much benefit.

Mr. SPENCER gave his recollection of the course pursued by the court in the case of Buchnel, and expressed his belief that the amendment would be beneficial.

Mr. BRENT said, he had, in company with a friend, been searching the library, but had not been able to find any report of Buchnel's case.

The question was then stated to be on the amendment of Mr. BRENT, as modified.

Messrs. BRENT and SPENCER asked the yeas and nays, which were ordered.

Mr. MERRICK said he thought that amendments of this description were more apt to incumber the bill of rights, than to accomplish any good. We had moved along for many years with the bill of rights as it stood. No evil had been wrought, or injustice done, and he thought it would be wise and prudent to let very well alone. He preferred that the law should stand as it was, and he hoped the Convention would so determine.

The question on the amendment was then taken, and resulted as follows:

*Affirmative*—Messrs. Welch, Colston, Miller, McLane, Spencer, George, Fooks, Thomas, Shriver, Gaither, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Brent of Baltimore city, Presstman, Ware, Fiery, Michael Newcomer, Weber, Hollyday, Slicer, Fitzpatrick, Ege, Shower and Cockey—29.

*Negative*—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, Brent of Charles, Merrick, Jenifer, Buchanan, Bell, Chandler, Ridgely, John Dennis, Dashiell, Williams, Goldsborough, Phelps, Bowie, Sprigg, McCubbin, McMaster, Hearn, Jacobs, Stewart of Baltimore city, John Newcomer, Davis and Kilgour—38.

So the amendment was rejected.

Mr. SPENCER moved to amend the said nineteenth article, by adding at the end thereof, the following:

"And to have all questions of law arising in the course of his trial explained by the court, before his defence shall be stated by his counsel."

Mr. SPENCER, referring to the practice as it had been stated by Mr. DORSEY, to exist in his

district, said that the practice in his, (Mr. S.'s, district, was different. He declared the fact to be, that the right of the jury to pass upon the law as well as upon the first, had become almost universal; and he desired that the question should be settled finally throughout the State.

Mr. RIDGELY said, that as a rule of practice for the courts, the theory of the gentleman from Queen Anne, (Mr. Spencer,) was undoubtedly good. But the question for the Convention to determine, was whether the bill of rights ought to be loaded down with matters belonging to the practice of the courts. With perfect respect, therefore, to the gentleman from Queen Anne's, (Mr. Spencer,) he, (Mr. R.) would move that amendment be laid upon the table.

The PRESIDENT stated that the motion of the gentleman from Baltimore county, (Mr. Ridgely,) if it prevailed, would carry the whole report with it.

Mr. RIDGELY thereupon withdrew his motion to lay upon the table, and substituted a demand for the previous question.

And the question having been taken, there was a second; and the main question was ordered to be now taken.

Mr. SPENCER asked the yeas and nays on his amendment, which were ordered, and being taken were as follows:

*Affirmative*—Messrs. Colston, Miller, McLane, Spencer, George, Shriver, Sappington, Nelson, Carter, Thawley, Gwinn, Brent of Baltimore city, John Newcomer, Weber, Hollyday, Slicer, Ege, Shower and Cockey—19.

*Negative*—Messrs. Chapman, President, Morgan, Dent, Hopewell, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Weems, Dalrymple, Bond, Brent of Charles, Merrick, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, McCubbin, McMaster, Jacobs, Thomas, Gaither, Stewart of Baltimore city, Presstman and Michael Newcomer—36.

So the amendment was rejected.

The question was then taken on the nineteenth article, and it was adopted.

The twentieth article of the report, was read as follows:

*Art. 20.* That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this State, or may hereafter be directed by the Legislature.

No amendment having been offered, the said article was adopted.

The twenty-first article of the report was read as follows:

*Art. 21.* That no freeman ought to be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

Mr. BRENT, of Baltimore city, moved to amend the article by striking out the word "freeman," and inserting the word "citizen."